

SENATE BILL REPORT

SSB 5085

As Passed Senate, February 9, 2005

Title: An act relating to child passenger restraint systems.

Brief Description: Holding child car seat installers harmless for damages.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Weinstein, Haugen, Jacobsen and Kline).

Brief History:

Committee Activity: Transportation: 1/18/05, 1/26/05 [DPS], [w/oRec].
Passed Senate: 2/9/05, 37-9.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5085 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Eide, Esser, Oke, Swecker and Weinstein.

Minority Report: Without Recommendation.
Signed by Senators Benson and Mulliken.

Staff: Kelly Simpson (786-7403)

Background: Under current law, with few exceptions, children less than six years old and/or sixty pounds, while traveling in motor vehicles, must be restrained in child restraint systems that comply with federal standards and are installed per manufacturer instructions.

Failure to comply with the child passenger restraint requirements does not constitute negligence by a parent or legal guardian, and may not be admitted in court as evidence of negligence. However, current law is silent regarding immunity from civil liability for installers or inspectors of child restraint systems or booster seats.

Summary of Bill: Nationally certified child passenger safety technicians who, in good faith and not for compensation, provide inspection, adjustment, or educational services regarding child passenger restraint systems may not be held civilly liable for an act or omission related to the services, unless the act or omission constitutes gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Car seats and booster seats are often not properly installed. This bill, by providing a liability safety net, would encourage trained and knowledgeable individuals, many of whom are volunteers, to provide proper installations of car seats and booster seats.

Testimony Against: None.

Who Testified: PRO: Senator Weinstein, sponsor; Janet Ray, AAA Washington; Steve Lind, WA Traffic Safety Commission; Kathryn Kruger, Safety Restraint Coalition.

House Amendment(s): The amendment: (1) removes the requirement that the installer receive no compensation in order to qualify for the liability protection; and (2) provides that the liability protection does not apply to employees of retailers of child passenger restraint systems, during the employees' hours of employment.

Passed House: 96-0.